

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18584 of 2023

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Amit Kumar S/o Shri Vidya Nand Roy permanent resident of village- Peepra Dewas, P.S.- Barauni, District- Begusarai presently residing at House No.- 245/2, Ward No.- 24. Pt. B.N Jha Road, Pokhana Tillha, District- Deoghar, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The District Collector, Begusarai.
3. The Sub Divisional Magistrate, Begusarai.
4. The Circle Officer, Barauni Circle.
5. Bachchi Sada, Son of Late Shankar Sada Resident of village and P.O.- Peepra Dewas, ward no.- 10, P.S.- Barauni, District- Begusarai (Bihar).
6. Urmila Devi @ Ajnas Devi, Wife of Late Surendra Sada (Second Marriage) Resident of village and P.O.- Peepra Dewas, ward no.- 10, P.S.- Barauni, District- Begusarai (Bihar).
7. Bhallu Sada, Son of Late Shankar Sada Resident of village and P.O.- Peepra Dewas, ward no.- 10, P.S.- Barauni, District- Begusarai (Bihar).
8. Agia Devi, Wife of Bhokho Sada Resident of village and P.O.- Peepra Dewas, ward no.- 10, P.S.- Barauni, District- Begusarai (Bihar).
9. Fucho Sada, Son of Late Jangal Sada Resident of village and P.O.- Peepra Dewas, ward no.- 10, P.S.- Barauni, District- Begusarai (Bihar).
10. Kari Sada, Son of Late Mishri Sada Resident of village and P.O.- Peepra Dewas, ward no.- 10, P.S.- Barauni, District- Begusarai (Bihar).
11. Ram Sakhi Devi, Wife of Longa Sada Resident of village and P.O.- Peepra Dewas, ward no.- 10, P.S.- Barauni, District- Begusarai (Bihar).
12. Urmila Devi, Wife of Late Bangali Sada (Second Marriage) Resident of village and P.O.- Peepra Dewas, ward no.- 10, P.S.- Barauni, District- Begusarai (Bihar).
13. Lalita Sada @ Ganga, Son of Late Bangali Sada Resident of village and P.O.- Peepra Dewas, ward no.- 10, P.S.- Barauni, District- Begusarai (Bihar).
14. Lalo Sada, Son of Late Kari Sada Resident of village and P.O.- Peepra Dewas, ward no.- 10, P.S.- Barauni, District- Begusarai (Bihar).
15. Suresh Sada, Son of Late Kari Sada Resident of village and P.O.- Peepra Dewas, ward no.- 10, P.S.- Barauni, District- Begusarai (Bihar).
16. Ram Chandra Sada, Son of Ram Khelaban Sada Resident of village and P.O.- Peepra Dewas, ward no.- 10, P.S.- Barauni, District- Begusarai (Bihar).
17. Uday Sada, Son of Chalitra Sada Resident of village and P.O.- Peepra Dewas, ward no.- 10, P.S.- Barauni, District- Begusarai (Bihar).
18. Ashok Sada, Son of Chalitra Sada Resident of village and P.O.- Peepra Dewas, ward no.- 10, P.S.- Barauni, District- Begusarai (Bihar).



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhay Shanker Singh
For the Respondent/s : Mr. Mahtab Alam, AC to SC-20

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-02-2025 1. Heard learned counsel for the petitioner and the learned AC to SC-20.

2. The learned counsel appearing on behalf of the petitioner submits that the instant writ application has been filed seeking quashing of the order dated 14-9-2001 passed by the Circle Officer, Barauni in Basgit Purcha Case No. 10/2000-01, without notice to the original land owner (i.e., grand-father of the petitioner) of land appertaining to Thana No. 473, Khata No. 174, Khesra No. 1378.

3. Learned counsel appearing on behalf of the petitioner submits that Jai Siya Ram Rai was the grand-father of the petitioner in whose name the aforesaid land was recorded in the *Khatian*. It is further submitted that Jamabandi No. 59 was created with respect to the land recorded hereinabove, in the name of the grand-father of the petitioner along with his brothers. It is next submitted that petitioner was shocked when all of a sudden the authorities descended on his land and started demolishing the cow-shed, on enquiry, it transpired that the land



in dispute was settled with the private respondents by the Circle Officer, Barauni by his order dated 14-9-2001 in Basgit Purcha Case No. 10/2000-01. It is next submitted that petitioner was not aware of the said order passed by the Circle Officer for the reason that none had come to take possession of the land in pursuance of the order dated 14-9-2001 in Basgit Purcha Case No. 10/2000-01. It is also submitted that when petitioner started inquiring, he came to know that the order dated 14-9-2001 in Basgit Purcha Case No. 10/2000-01 was passed by the Circle Officer, Barauni without issuing any notice to the land owners in whose name Jamabandi No. 59 was in existence. It is submitted that Jamabandi No. 59 is still existing in the name of the grand-father of the petitioner and his brothers.

4. It is next submitted that it would not be out of place to submit here that the correct *khata* number of the land in dispute is 174, but in Basgit Purcha Case No. 10/2000-01, the land was recorded as pertaining to Khata No. 194.

5. The learned counsel appearing on behalf of the State submits that the petitioner has rushed to this Court without availing his alternative remedy before the Collector against the order passed by the Circle Officer, Barauni dated 14-9-2001 in Basgit Purcha Case No. 10/2000-01, on which the learned



counsel appearing on behalf of the petitioner submits that petitioner had filed *Parcha* cancellation case on 26-10-2023 before the Collector, Begusarai, but then the case was not numbered and the authorities started demolishing the cow-shed on the land, as such the petitioner rushed to this Court.

6. It is next submitted by learned counsel for the petitioner that after filing of the instant writ application, *Purcha* cancellation case, which was filed before the Collector, has been numbered as Parcha Cancellation Case No. 44 of 2023, but then it is pending adjudication.

7. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the Collector, Begusarai to dispose of Parcha Cancellation Case No. 44 of 2023 within a period of two months from the date of receipt/production of a copy of this order.

8. It is made clear that the Court has not gone into the merits of the case.

(Satyavrat Verma, J)

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